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Noah and Art Robinson
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December 01, 2006

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

Petition Under 37CFR 1.181 To Withdraw Holding of Abandonment

This petition is in response to your "Notice of Abandonment" for patent application number 10/707,263 mailed 10/17/2006.

Your letter states that no reply was made to your office letter mailed on 02/09/2006.

I never, however, received your notice and was therefore completely unaware of it. I have assumed that the application was proceeding normally. I had not yet received any office letters with regards to this patent.

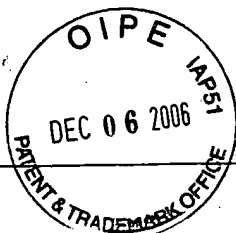
I am not a professional patent attorney and am currently acting on my own behalf. I do not, therefore, have a system set up with a date stamped list of documents in which to prove that it was never received. I am very careful, however, with patent documents. This patent application is kept in a special folder in one of my filing cabinets and all documents related to it are stored there. I am certain that I never received your office letter of 02/09/2006.

Our folder for this patent contains the original patent filing on 12/02/2003. I also have a notice of publication for this application received 06/17/2005. The office letter from 02/09/2006 which you refer to is not in my file and was never received by me.

This petition is a request to withdraw your holding of abandonment, mail me a copy of the original office letter of 02/09/2006 and allow me to respond. I will respond immediately upon receiving a copy of the letter.

Thank You For Your Consideration,

Noah Robinson



Notice of Abandonment

Application No.

10/707,263

Examiner

Christopher R. Tate

Applicant(s)

ROBINSON, NOAH E.

Art Unit

1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 February 2006.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Christopher R. Tate
Primary Examiner
Art Unit: 1655

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,263	12/02/2003	Noah E. Robinson		1262

7590 10/16/2006

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EXAMINER

TATE, CHRISTOPHER ROBIN

ART UNIT PAPER NUMBER

1655

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.